

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

| | | |
|---------------------------------------|---|----------------------|
| AMERICAN VIDEO GRAPHICS, L.P., | § | |
| | § | |
| Plaintiff, | § | CIVIL ACTION |
| | § | |
| vs. | § | 6:04cv399 LED |
| | § | |
| SONY CORPORATION OF AMERICA, | § | |
| et al., | § | JURY TRIAL |
| | § | |
| Defendants. | § | |

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff American Video Graphics, L.P. (“AVG”) and Defendant Nintendo of America Inc. (“Nintendo”), pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, stipulate and agree that all claims, counterclaims and other causes of action that each has brought against the other be dismissed with prejudice, with each party bearing its own expenses, costs of court, and attorneys’ fees.

DATED: January 20, 2006

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter

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/s/ Timothy S. Teter
(by Sam Baxter with permission)

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail, on this the 20th day of January, 2006.

_____/s/ Sam Baxter
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